

**BEFORE THE BOARD OF DENTAL EXAMINERS  
OF THE STATE OF IOWA**

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<b>IN THE MATTER OF:</b>	)	
<b>DAVID A. HALL, D.D.S.</b>	)	
<b>1570 42<sup>nd</sup> Street NE</b>	)	
<b>Cedar Rapids, IA 52402</b>	)	<b>NOTICE OF HEARING</b>
<b>License #6409</b>	)	
<b>Respondent</b>	)	

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You are hereby notified that on October 9, 2002, the Board found probable cause to file a Statement of Charges against you. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 153, and 272C (2001), and 650 Iowa Administrative Code Chapter 51. A copy of the Statement of Charges is attached, and sets forth the particular statutes and rules which you are alleged to have violated, and further provides a short and plain statement of the matters asserted.

**IT IS HEREBY ORDERED** that a disciplinary contested case hearing be held upon the Statement of Charges on October 29, 2002, before the full Board or a panel of the Board. The hearing shall begin at 9:00 a.m. and shall be located in the 1<sup>st</sup> Floor Conference Room, Iowa Board of Dental Examiners at 400 SW 8<sup>th</sup> Street, Ste D, Des Moines, Iowa. The Board shall serve as presiding officer, but the Board may request an

Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

Within twenty (20) days of the date you are served with the Statement of Charges and Notice of Hearing, you are required by 650 Iowa Administrative Code 51.12(2) to file an Answer to the Charges. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing.

At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the Charges against you. The procedural rules governing the conduct of the hearing are found at 650 Iowa Administrative Code Chapter 51.

The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Theresa O'Connell Weeg  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, IA 50319  
Phone (515) 281-6858

If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 650 Iowa Administrative Code 51.22.

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 650 Iowa Administrative Code

51.19. If you are interested in pursuing settlement of this matter, please contact  
Constance L. Price, Executive Director, at 515-281-5157.

Dated this 9<sup>th</sup> day of October, 2002.

A handwritten signature in black ink, appearing to read "Leroy I. Strohmman".

LEROY I. STROHMAN, D.D.S.

Chairperson

Iowa Board of Dental Examiners

400 SW 8<sup>th</sup> Street, Ste. D

Des Moines, IA 50309

cc: Theresa O'Connell Weeg  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, IA 50319

Raymond R. Stefani II  
GRAY, STEFANI & MITVALSKY, P.L.C.  
200 American Bldg.  
P. O. Box 456  
Cedar Rapids, IA 52406

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**IN THE MATTER OF:** )

**DAVID A. HALL, D.D.S.** )  
**1570 42<sup>nd</sup> Street NE** )  
**Cedar Rapids, IA 52402.** )

**STATEMENT OF CHARGES**

**License #6409** )

**Respondent** )

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- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2001).
- 2) On May 8, 1979 David A. Hall, D.D.S., the Respondent, was issued license number 6409 by the Board to engage in the practice of dentistry, subject to the laws of the State of Iowa and the rules of the Board.
- 3) License number 6409 is current and on active status until June 30, 2004.
- 4) A Statement of Charges and Emergency Adjudicative Order was filed against Respondent on January 17, 2002.
- 5) Respondent entered into a Stipulation and Consent Order with the Board on April 25, 2002, to resolve the pending charges. In that Stipulation and Consent Order his license was subject to certain restrictions and placed on probation for five years, subject to certain terms.

### **COUNT I**

Respondent is charged under Iowa Code Section 272C.3(2)(a) (2001) 650 Iowa Administrative Code 30.4(23) with failing to comply with a decision of the Board imposing licensee discipline.

### **COUNT II**

Respondent is charged under Iowa Code section 153.34(4) (2001) with willfully or repeatedly violating a Board rule by administering conscious sedation in a dental facility without a conscious sedation permit, in violation of 650 Iowa Administrative Code Sections 29.2(2) and 29.5 (1).

### **COUNT III**

The Respondent is charged under Iowa Code section 153.34(4) (2001) with willfully or repeatedly violating a Board rule by regularly prescribing, administering, or dispensing conscious sedation to patients in a dental facility that is not in compliance with the requirements of 650 Iowa Administrative Code 29.4(3).

### **COUNT IV**

The Respondent is charged under Iowa Code section 272C.10(3) (2001) and 650 Iowa Administrative Code 30.4 (39) with practice harmful or detrimental to the public by prescribing, administering, or dispensing medications for conscious sedation purposes to patients in violation of a Board order and without a conscious sedation permit.

### **COUNT V**

Respondent is charged under Iowa Code section 153.34(4) (2001) with willfully or repeatedly violating a Board rule by failing to include information in patient records

regarding the name, quantity, and strength of all drugs prescribed, administered, or dispensed, in violation of 650 IAC 27.11(1)(d)(5).

#### **COUNT VI**

Respondent is charged under Iowa Code section 153.34(9) (2001) and 650 Iowa Administrative Code 30.4(16) with failing to maintain a reasonably satisfactory standard of competency in the use of anti-anxiety pre-medications and conscious sedation.

#### **COUNT VII**

The Respondent is charged under Iowa Code section 272C.10(3) (2001) and 650 Iowa Administrative Code 30.4(39) with making misleading, deceptive, untrue, or fraudulent statements in the practice of dentistry.

#### **COUNT VIII**

The Respondent is charged under Iowa Code section 153.34(4) (2001) with willfully or repeatedly violating a Board rule by knowingly providing false information to the Board or an agent of the Board during the course of an inspection or investigation or interfering with an inspection or investigation, in violation of 650 Iowa Administrative Code 30.4(26).

#### **THE CIRCUMSTANCES**

1. Respondent is a general dentist engaged in the practice of dentistry in Cedar Rapids, Iowa.
2. On January 17, 2002, the Board filed a Statement of Charges against Respondent for numerous violations relating to his use of anti-anxiety pre-medications and conscious sedation medications. The Board concurrently filed an Emergency Adjudicative Order summarily prohibiting Respondent from

prescribing, administering, or dispensing any drugs for the purposes of anti-anxiety or sedation.

3. On April 25, 2002, the Board and Respondent entered into a Stipulation and Consent Order (Order) in which Respondent's license was "permanently restricted from prescribing, administering, or dispensing any and all medications or substances for the purposes of achieving any form of sedation, including anti-anxiety pre-medication, conscious sedation, and deep sedation/general anesthesia." Respondent could only resume anti-anxiety pre-medication "upon prior written approval of the Board." Respondent could only resume use of any form of sedation "if he obtains the appropriate permit required by Board rules."
4. In the Order, Respondent was also placed on probation for five years subject to a number of terms, which include the following:
  - (a) Respondent agreed not to administer or dispense any controlled substances.
  - (b) Respondent agreed to, within thirty days of the date of the Order, enter into a Board-approved practice monitoring agreement with another dentist for monitoring of his prescribing practices.
5. Since the date the Order was filed, the Board has received information that:
  - (a) Respondent attempted to evade the Order's prohibition against prescribing, administering, or dispensing any medications for the purposes of achieving anti-anxiety pre-medications or achieving any form of sedation by referring at least three patients to medical doctors. Those patients then requested the medical doctors write a prescription for the

controlled substances Valium and/or Demerol in amounts requested by Respondent for use in upcoming dental procedures. The medications were for anti-anxiety and/or conscious sedation purposes, and the medical doctors who prescribed the medications understood they were to be administered and/or dispensed to the patients by Respondent in conjunction with their dental procedures.

- (b) Respondent sought to administer and/or dispense the controlled substances Demerol and Valium in combination, or the controlled substance Valium alone, in amounts that far exceed the appropriate dosages for anti-anxiety pre-medication and in amounts that could achieve a level of conscious sedation.
- (c) Respondent made misleading, deceptive, untrue, or fraudulent statements when he advised the medical doctors and at least one patient the law had changed, and now prohibited dentists from prescribing medications for sedation purposes. Respondent failed to advise the medical doctors or the patient that the law had not changed, but that instead he cannot prescribe those medications for anti-anxiety or sedation purposes because of formal disciplinary action taken by the Board.
- (d) Respondent has administered and/or dispensed medications for the purposes of achieving anti-anxiety pre-medication without written approval of the Board, in violation of the Stipulation and Consent Order.



- (e) Respondent has administered and/or dispensed medications for the purposes of achieving conscious sedation without obtaining the appropriate permit required by 650 Iowa Administrative Code 29.2, and in violation of the Stipulation and Consent Order.
  - (f) Respondent cannot use nitrous oxide under the Stipulation and Consent Order without written approval from the Board. Respondent requested permission to resume use of nitrous oxide, but in a letter dated September 3, 2002, the Board denied that request. Respondent administered nitrous oxide to at least one patient after receipt of that letter.
  - (g) Respondent has administered and/or dispensed controlled substances to at least three patients, in violation of the Stipulation and Consent Order.
  - (h) Respondent has failed to enter into a practice monitoring agreement for monitoring of his prescribing practices, in violation of the Stipulation and Consent Order.
6. Dentists licensed in Iowa cannot administer conscious sedation until they have obtained a conscious sedation permit from the Board. 650 IAC 29.2(2) Specialized education, training, and examination requirements must be met before a conscious sedation permit may be issued. 650 IAC 29.4
7. A dentist utilizing conscious sedation is required by Board rules to maintain a properly equipped facility to safeguard the public. The facility shall maintain and the dentist shall be trained on the following equipment: anesthesia or analgesia machine, EKG monitor, positive pressure oxygen, suction, laryngoscope and


blades, endotracheal tubes, magill forceps, oral airways, stethoscope, blood pressure monitoring device, pulse oximeter, emergency drugs and defibrillator.

650 IAC 29.4(3)

8. Respondent does not hold a permit to administer conscious sedation.
9. Respondent does not have the required equipment in his facility to ensure that the health and safety of the public is protected.
10. Respondent failed in at least three cases to properly record in patient records that medications had been prescribed to these patients by medical doctors at Respondent's request for anti-anxiety and/or conscious sedation purposes related to their dental procedures.
11. It is the opinion of the medical doctors that Demerol is not an appropriate medication for anti-anxiety pre-medication. It is the opinion of Board consultants and the medical doctors that the amount of Valium Respondent is recommending and/or using is well beyond anxiety control and could constitute conscious sedation. Use of these drugs in the amount recommended and in the manner intended by Respondent is inappropriate and could result in serious harm to patients.
12. Board consultants have previously expressed concern as to how Respondent would manage an emergency. Further, the consultants have expressed concern that Respondent has no crash cart, no defibrillator, and no means of airway control if respiratory depression became acute.

13. Respondent was interviewed by the Board's investigator regarding this matter, and initially denied referring patients to medical doctors for medication, and denied speaking to those medical doctors regarding those patients. Respondent then stated his wife, who is a nurse and Respondent's dental assistant, was responsible for such referrals, while he tries to stay at "arms length."
14. Respondent spoke directly to at least two patients and one medical doctor regarding his referrals to medical doctors for medication for anti-anxiety pre-medication or sedation purposes.
15. Respondent has repeatedly stated since the date the Stipulation and Consent Order was filed that he has not used nitrous oxide. In fact, Respondent has used nitrous oxide on at least one occasion since the date of that Order.

On this 9th day of October, 2002, the Iowa Board of Dental Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
LeRoy I. Strohman, D.D.S., Chairperson  
Iowa Board of Dental Examiners  
400 SW 8<sup>th</sup> Street, Ste. D  
Des Moines, IA 50309

cc: Theresa O'Connell Weeg  
Assistant Attorney General  
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